

JC515 U.S. PTO  
07/19/99

Attorney Docket No. 082671/0105

Law Offices  
**FOLEY & LARDNER**  
3000 K Street, N.W., Suite 500  
Washington D.C. 20007-5109  
Phone: (202) 672-5300

JC515 U.S. PTO  
09/357103  
07/19/99

TO: Assistant Commissioner of Patents  
Box Patent Application  
Washington, D. C. 20231

**PLANT PATENT APPLICATION TRANSMITTAL**  
**(new non-provisional applications under 37 CFR 1.53(b))**

Transmitted herewith for filing is the plant patent application of:

INVENTORS: **Cees A. van der VOORT**

or APPLICATION IDENTIFIER (must include alphanumeric codes if no inventors named)

TITLE: **LILY PLANT NAMED 'BERNINI'**

In connection with this application, the following are enclosed:

**APPLICATION ELEMENTS:**

Specification - Total Pages -8- two (2) copies required - 37 CFR 1.163(b))

- Descriptive title of the invention (with Plant's name)
- Cross References to Related Applications
- Statement Regarding Fed Sponsored R & D
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings
- Detailed Botanical Description
- Claim (only one (1) permitted MPEP 1605)
- Abstract of the Disclosure

-1-Sheet of Drawings (color) (two (2) copies required - 37 CFR 1.165(b))

Declaration, Power of Attorney

Newly Executed (original or copy)

Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Continuing Application section completed)

DELETION OF INVENTOR(S) - Signed statement attached deleting  
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)  
and 1.33(b).

Incorporation By Reference (useable if copy of prior application  
Declaration being submitted)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
the above section, is considered as being part of the disclosure of the accompanying application is hereby  
incorporated by reference therein.

ACCOMPANYING APPLICATION PARTS:

- Assignment Papers (cover sheet & documents(s)). Assignment to: **VLETTTER & DEN HAAN BEHEER B.V.**
- Plant Color Coding Sheet
- 37 CFR 3.73(b) Statement (when there is an assignee)
- English Translation Document (if applicable)
- Information Disclosure Statement(IDS) with PTO-1449. \_\_\_ Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503)
- Small Entity Statement

\_\_\_ Statement filed in prior application. Status still proper and desired.

- Certified Copy of Priority Documents(s) with Claim of Priority.  
(if foreign priority is claimed)
- Other:

CORRESPONDENCE ADDRESS:

Foley & Lardner Address noted above.

Telephone: (202) 672-5300

Fax Number: (202) 672-5399

FEE CALCULATIONS: (Small entity fees indicated in parentheses.)

- Plant New Application or Continuing Application Filing Fee of \$480.00 (\$240.00)
- Assignment Record Fee (\$40.00 per property) (See attached Assignment Recordation Cover Sheet)

TOTAL FEE: \$240.00

- A check in the amount of the above the TOTAL FEE is attached.

If payment by check is NOT enclosed, it is requested that the Patent and Trademark office advise the undersigned of the period of time within which to file the TOTAL FEE. If payment enclosed, this amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 19-0741. A duplicate of this letter is attached for this purpose

Respectfully submitted,



Richard C. Peet  
Registration No. 35,792

Date: July 19, 1999

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(F) & 1.27(C)) – SMALL BUSINESS CONCERN**

Docket Number: 082671/0105

Applicant or Patentee: **Cees A. van der Voort**  
 Serial or Patent No.: \_\_\_\_\_  
 Filed or Issued: \_\_\_\_\_  
 Title: **LILY PLANT NAMED 'BERNINI'**

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN **VLETTER & DEN HAAN BEHEER B.V.**  
 ADDRESS OF SMALL BUSINESS CONCERN **Oegstgeesterweg 202A, Rijnsburg, the Netherlands**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of that statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application Serial No. \_\_\_\_\_  
 the Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

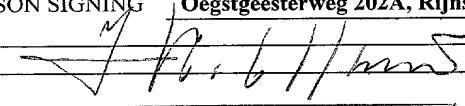
Each person, concern or organization having any rights in the invention is listed below:

no such person, concern or organization exists.  
 each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING **Jan W. C. van Wolferen**  
 TITLE OF PERSON IF OTHER THAN OWNER **Director**  
 ADDRESS OF PERSON SIGNING **Oegstgeesterweg 202A, Rijnsburg, the Netherlands**  
 SIGNATURE  DATE **8/7/99**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 082671/0105

In re patent application of:

Cees A. van der VOORT

Serial No.: New U.S. Plant Patent Application

Filed: July 19, 1999

For: LILLY PLANT NAMED 'BERNINI'

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

**IN THE SPECIFICATION**

Page 3, line 15, delete ", bulb".

**REMARKS**

By this Preliminary Amendment, the word "bulb" is being deleted because it was inadvertently included in the Specification, and was a typographical error.

Applicant respectfully submit that the application is in condition for allowance and request reconsideration. Should there be any questions or concerns regarding this application, the Examiner is invited to contact Applicant's undersigned representative by telephone.

Respectfully submitted,



Richard C. Peet  
Reg. No. 35,792

Date: July 19, 1999

Foley & Lardner  
3000 K Street, N.W.  
Suite 500  
Washington, D.C. 20007-5109  
(202) 672-5300

APPLICATION

OF

CEES A. VAN DER VOORT

FOR

LILY PLANT NAMED 'BERNINI'

BACKGROUND OF THE INVENTION

The present invention comprises a new and distinct cultivar of lily plant, botanically known as *Lilium L.*, and hereinafter referred to by the cultivar name ‘Bernini’.

‘Bernini’ is a product of a planned breeding program which had the objective of  
5 creating new lily cultivars having large, upright, pink flowers.

‘Bernini’ was originated from a hybridization made by the inventor in a controlled breeding program in Rijnsburg, the Netherlands, in 1983. The male and female parents were unnamed seedlings of *Lilium L.* oriental hybrids. Both parents are proprietary cultivars used in the breeding program.

10 ‘Bernini’ was discovered and selected as one flowering plant within the progeny of the stated cross by the inventor, Cees A. van der Voort, on June 7, 1983 in a controlled environment in Rijnsburg, the Netherlands.

The first act of asexual reproduction of ‘Bernini’ was accomplished when scales were taken from the initial selection in October 1986 in a controlled environment in  
15 Rijnsburg, the Netherlands by, or under the supervision of, Cees A. van der Voort. Horticultural examination of selected units initiated in May, 1986 has demonstrated that the combination of characteristics as herein disclosed for ‘Bernini’ are firmly fixed and are retained through successive generations of asexual reproduction.

20

BRIEF DESCRIPTION OF THE INVENTION

The following traits have been repeatedly observed and are determined to be basic characteristics of ‘Bernini’ which, in combination, distinguish this lily as a new and distinct cultivar:

1. large, upright, pink flowers;

2. curled axis of the outer tepals;
3. dark-pink spots on the tepals; and
4. vigorous growth habit.

5       ‘Bernini’ has not been observed under all possible environmental conditions. The phenotype of the new cultivar may vary significantly with variations in environment such as temperature, light intensity, and daylength without any change in genotype. The following observations, measurements, and comparisons describe plants grown in the Dutch experimental research station CPRO-DLO, Wageningen, the Netherlands under 10 conditions which approximate those generally used in commercial practice.

Of the many commercial cultivars known to the present inventor, no other cultivars are similar in comparison to ‘Bernini’.

#### BRIEF DESCRIPTION OF THE DRAWING

15       The accompanying color photographic drawing shows typical plant, bulb and flower characteristics of ‘Bernini’, with colors being as true as possible with illustrations of this type.

#### DETAILED BOTANICAL DESCRIPTION

20       In the following description, color references are made to The Royal Horticultural Society Colour Chart (RHS). The color values were determined between 12 am and 2 pm at the Dutch experimental research station CPRO-DLO, Wageningen, the Netherlands.

ORIGIN:     Seedling from breeding program

PARENTAGE:

Female parent: Unnamed seedling

Male parent: Unnamed seedling

5 CLASSIFICATION:

Botanical: A hybrid of the genus *Lilium L.*

Commercial: Oriental Lily cv. 'Bernini'

PLANT:

10 Form: A single stem carrying numerous, alternately arranged pedicels

Height: Medium to high for the mature plant, approximately 120 cm

Growth Habit: Vigorous

15 Stem: Circular in transverse section; anthocyanin pigmentation absent;  
internodal length uniform

Foliage:

Quantity: Approximately 70, depending on cultivation conditions

Size of leaf: Mature leaves are approximately 11 cm long and 3.5 cm  
wide

Shape of leaf: Generally ovate

20 Color: Light green, RHS 136B

Bulb:

Size: 16 to 18 cm in circumference

Color: White/pink

25 BUD:

Form: Tapering like a lancet  
Size: 12 cm in length depending on cultivation conditions  
Opening: Unfolds normally  
Color: Pink, RHS 64D, with greyish-brown accents  
5 Tepals: Folded, three visible

**FLOWER:**

Blooming habit: Raceme  
Size: Large, 23 cm in diameter depending on cultivation conditions  
10 Borne: Upright along a longitudinal axis  
Shape: Generally, hexagonal star in form and bowl-shaped in cross-section  
Tepalage:  
Number of Tepals: 6  
Arrangement: Three inner and three outer  
15 Color:  
Upper Surface: Pink, RHS 63B to RHS 86B  
Lower Surface: Pink, RHS 65A  
Spotting or Marking: Spots and markings are present, dark pink in color, RHS 68A

20 Pedicel:  
Length: 11 cm  
Color:  
Form:  
Texture: Papillose  
25 Disease Resistance: Medium

Fragrance: Weak  
Lasting Quality: Excellent

**REPRODUCTIVE ORGANS:**

5      Stamens and anthers:  
Arrangements:      Anthers form a generally circular pattern at their upper ends  
Number:      6  
Length:      Long, depending on cultivation conditions  
10      Filaments Color:      White  
Pollen color:      Greyed-red, RHS 180B  
Anther color:      Reddish brown  
Pistils:      Green  
Stigma:      Dark-pink  
15      Ovaries:      Triangular in shape

I claim:

1. A new and distinct cultivar of Lily plant named ‘Bernini’, as illustrated and described herein.

### ABSTRACT OF THE DISCLOSURE

A new and distinct cultivar of Lily plant named ‘Bernini’ characterized by having large, upright, pink flowers, curled axis of the outer tepals, dark-pink spots on the tepals, and vigorous growth habit.

ପ୍ରମାଣିତ ହେଲାକିମ୍ବା ଏହାର ନାମ କିମ୍ବା



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct plant variety which is claimed and for which a patent is sought on the invention entitled:

**LILY PLANT NAMED 'BERNINI'**

the specification of which (check one)

is attached hereto.

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I state that I have invented, or discovered in a cultivated area, and/or asexually reproduced the new and distinct plant variety.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

(Number)	(Country)	(Day/Month/Year Filed)	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Applications in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Appln. Serial No.)

(Filing Date)

(Status: patented, pending, abandoned)

Plant Declaration

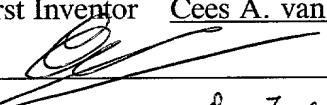
Page 2

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isacson, Reg. No. 33,715; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Send all correspondence to Foley & Lardner, Suite 500, 3000 K Street, N.W., P.O. Box 25696, Washington, D.C. 20007-8696. Address telephone communications to Richard C. Peet at (202) 672-5300.

I, as a below named inventor, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor Cees A. van der Voort

Inventor's Signature 

Date 8. 7. 99

Residence Address Sportlaan 17, 2225 JN Katwijk, the Netherlands

Citizenship DUTCH

Post Office Address \_\_\_\_\_